

## **TUSCARORA'S U.N. AMBASSADOR CONDEMNS NYPA ENVIRONMENTAL POLICY**

By Douglas S. Anderson  
(*Special to the Reporter*)



## **HAUDENOSAUNEE**

Haudenosaunee Ska-Roh-Reh / Ambassador To The United Nation  
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### **COMMENTS, PROTEST or MOTION TO INTERVENE**

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

The Honorable Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

April 3, 2012

Re: Niagara Power Project, FERC Project No. 2216-079  
Lewiston Pump Generator Plant  
Application for Non-Capacity Amendment to License

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Honorable Magalie R. Salas:

We are the Ancient Tribes of the Onghe-Huh-Weh/Onkwehonwe, of the Five, Six, and Seven Nations of Indians of Turtle Island/North America. As Ancient Tribes, we never relinquish the rights to sell Mother Earth to any person or group of people referred to as "foreign investors." As Robert Morris purchased land and sold land to the Holland Land Company, *Inter alios*, the fate of the alleged Robert Morris Treaty is questionable and may not be a treaty at all, unless it can be shown that it was consummated under the authority of the United States. Robert Morris was a foreign investor, and therefore The Tuscarora Nation Landholders Coalition, Onkwehonwe Signatory Tribe, and the Keepers of the Western Door own the properties claimed by the New York Power Authority, which are FERC Project No. 2216-079, FERC Project No. 2280, and FERC Project No. 3021.

If the United States Courts claim action by citing Case No. 384 (Tuscarora Nation of Indians, also known as Tuscarora Indian Nation v. Power Authority of the State of New York, October Term, 1958)

this is not supportable law, as it is illegal, void, and was carried out in bad faith.

The Ancient Tribes of the Onghe-Huh-Weh/Onkwehonwe of the Five, Six and Seven Nations of Indians are all "North American Indians," "Non-taxed Indians," and "Indians who have treaties with the United States," the three fundamental bases of authority of the United States Federal Government. On this ground, the Ancient Tribes in question may fall under the Character of Members of the State with the management of whom Congress has no concern (Confed. 9th Article, 4th Clause). In the Whipple Report of 1889, Senator Whipple addresses the issue of the Ancient Tribes (aka Six Nation of Indians of the Iroquois Confederacy). Senator Whipple explains his findings, clearly stating that the Ancient Tribes (aka Six Nation of Indians of the Iroquois Confederacy) own the north-east part of the United States. In a Supreme Court case concerning ownership over Tuscarora Nation Land (William Chew & others Chiefs & of the Tuscarora Nation of Indians v. Joseph Fellows & Herman B. Potte, 1848), there is no question that the entire New York Power Authority Project Lands were stolen illegally by the United States Supreme Courts. The Lands of Mother Earth belong to the Ancient Tribes, referring to the Tuscarora Nations Landholders Coalition, Onkwehonwe Signatory Tribe, and the Keepers of the Western Door, all of whom claim title to these lands.

**VIOLATION DUE TO ENVIRONMENTAL DEGRADATION:** Long-term exposure to electromagnetic fields is statistically correlated with an increased incidence of adult leukemia, brain tumors, breast cancer, as well as an increased risk of miscarriages. Electromagnetic fields intensify as they cross the water (which, unless distilled, is electrically conductive) in the reservoirs and waterways. Several residents, members, and business people that have been exposed to EMF have died of brain tumors, breast cancer, or leukemia.

#### Seepage Into The Aquifer:

The aquifer on the Tuscarora Nation is contaminated. This contamination has been caused, either partially or wholly, by the PANY. The reservoir itself has seepage, as does the leach field pipe line on the north side of the reservoir of the Power Authority of New York, (FERC G Project No. 2216).

The entire boundary property of the PANY FERC-2216, is contaminated with "TONS of hazardous toxic heavy metals" and "radioactive material" caused by the construction of the Reservoir (PANY - FERC-2216), as indicated by Darrell R. Larocque, an engineer on the project.

This civil action was settled in the case of Larocque v. Power Authority of the State of New York, et. al. Index No. 70297. This case was settled out of court for \$10,000,000.00 (Ten Million Dollars). According to Mr. Larocque, damages accrued from exposure to "TONS of hazardous toxic heavy metals" and "radioactive material". Mr. Darrell R. Larocque died approximately 15 months after this settlement.

#### FEDERAL POWER ACT

Section 15(a)(2) was violated by the new license of the Federal Energy Regulatory Commission (PANY - FERC P-2216-068). The Commission must address this Complaint and Protest, before it can issue a new license. The new license is, therefore, not supportable by law and is illegal, void, and done in bad faith.

Section 4 (e), Senate "RESERVATION" was a mere colorable use of the treaty-making power; was not a treaty reservation within the legal meaning of the term; is not in legal contemplation a part of the Treaty with Canada; and is invalid as an attempt to amend or repeal in part the Federal Power Act, is not supportable in fact and / or law and is, accordingly, illegal, void and done in bad faith.

#### International Treaties

It is clear that the "reservation" is not a part of the Constitution itself; it is part of the supreme law of the land only if it is either a law of the United States made in pursuance of the Constitution, or a treaty (or part of a treaty) made under the authority of the United States. As this usage of "reservation" meets

neither of the aforementioned qualifications, it is not supportable in fact and/or law and is, accordingly, illegal, void, and done in bad faith.

Since the "reservation" was not concurred by the House of Representatives, it was not an exercise of the legislative power vested in the Congress by Article I of the Constitution, and is not, therefore, a law of the United States made in pursuance of the Constitution within the meaning of the supremacy clause, is not supportable in fact and/or law and is, accordingly, illegal, void and done in bad faith.

The Senate "reservation" to the 1950 Niagara Treaty was never part of the contractual agreement negotiated with another nation, and therefore was never part of the treaty at all. Equally, this "reservation" was never part of the law of the land, is not supportable in fact and/or law and is, accordingly, illegal, void and done in bad faith.

The Canadian Parliament had already approved the treaty on June 19, 1950. After the "reservation" was brought to the attention of the Canadian Government, Canada accepted it without procuring approval of Parliament. Again, this demonstrates that this "reservation" is not supportable in fact and/or law and is, accordingly, illegal, void and done in bad faith.

**CONCLUSION 1.** New York Power Authority must pay rent to the Tuscarora Nation Landholders Coalition, Onkwehonwe Signatory Tribe, and the Keepers of the Western Door. Negotiations will take place in the future, Ancient Tribes of the Onghe-Huh-Weh / Onkwehonwe, of the Five, Six and Seven Nations of Indians, of Turtle Island/North America need potable water immediately.

2. FERC Project No. 2216-079, FERC Project No. 2280, and FERC Project No. 3021, Exposure to electromagnetic fields is statistically correlated with an increased incidence of adult leukemia, brain tumors, and breast cancer and an increased risk of miscarriages, and the New York Power Authority must pay for damages and medical expenses resulting from exposure to these electromagnetic fields.

For more information, please write to: [skarohreh@yahoo.com](mailto:skarohreh@yahoo.com)  
Sent by e-mail and US Postal Service -- Mail

Oneh,

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Onkwehonwe Signatory Tribe  
Keepers of the Western Door

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C/C:  
Canada Mission to the United Nations  
NGO / United Nations

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